



State Senator  
**Chuck Chvala**  
SENATE MAJORITY LEADER

August 27, 1997

Representative Ben Brancel  
Speaker of the Assembly  
P.O. Box 8952  
Madison, WI 53708

Dear Speaker Brancel,

Pursuant to our discussion and agreement today, feel free to have the Assembly take floor action on AB 100.

I believe that this is a significant step towards a final bipartisan budget.

As always, I look forward to working with you during the remainder of the budget process and the rest of the legislative session.

Very truly yours,

CHUCK CHVALA  
Senate Majority Leader

cc: Senator Michael Ellis, Senate Minority Leader  
Senator Fred Risser, Senate President  
Senator Brian Burke, Senate Chair of Joint Finance Committee  
Representative Walter Kunicki, Assembly Minority Leader  
Representative Scott Jensen, Assembly Chair of Joint Finance Committee  
Representative Steven Foti, Assembly Majority Leader  
Senate Democratic Caucus



## Joint Committee on Finance Attendance Sheet

Place: MLK JFC Room

Date: 4/30

	Present	Absent
Rep. Jensen	✓	
Rep. Ourada	✓	
Rep. Harsdorf	✓	
Rep. Albers	✓	
Rep. Gard	✓	
Rep. Kaufert	✓	
Rep. Linton	✓	
Rep. Coggs	✓	
Sen. Burke	✓	
Sen. Decker	✓	
Sen. George		✓
Sen. Jauch	✓	
Sen. Wineke	✓	
Sen. Shibilski	✓	
Sen. Cowles	✓	
Sen. Panzer	✓	

Jodie Tierney  
Jodie Tierney, Committee Clerk

## Joint Committee on Finance Attendance Sheet

Place: MLK

Date: 5/6/97

	Present	Absent
Rep. Jensen	✓	
Rep. Ourada	✓	
Rep. Harsdorf	✓	
Rep. Albers	✓	
Rep. Gard	✓	
Rep. Kaufert	✓	
Rep. Linton	✓	
Rep. Coggs	✓	
Sen. Burke	✓	
Sen. Decker	✓	
Sen. George	✓	
Sen. Jauch	✓	
Sen. Wineke	✓	
Sen. Shibilski	✓	
Sen. Cowles	✓	
Sen. Panzer	✓	

  
Jodie Tierney, Committee Clerk

# Joint Committee on Finance Attendance Sheet

Place:

MLK

Date:

5/14/97

Present

Absent

Rep. Jensen

✓

Rep. Ourada

✓

Rep. Harsdorf

✓

Rep. Albers

✓

Rep. Gard

✓

Rep. Kaufert

✓

Rep. Linton

✓

Rep. Coggs

✓

Sen. Burke

✓

Sen. Decker

✓

Sen. George

✓

Sen. Jauch

✓

Sen. Wineke

✓

Sen. Shibilski

✓

Sen. Cowles

✓

Sen. Panzer

✓

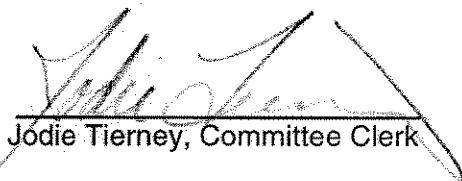
  
Jodie Tierney, Committee Clerk

## Joint Committee on Finance Attendance Sheet

Place: MLK

Date: 5/19/97

	Present	Absent
Rep. Jensen	✓	
Rep. Ourada	✓	
Rep. Harsdorf	✓	
Rep. Albers	✓	
Rep. Gard	✓	
Rep. Kaufert	✓	
Rep. Linton	✓	
Rep. Coggs	✓	
Sen. Burke	✓	
Sen. Decker	✓	
Sen. George	✓	
Sen. Jauch	✓	
Sen. Wineke	✓	
Sen. Shibilski	✓	
Sen. Cowles	✓	
Sen. Panzer	✓	

  
Jodie Tierney, Committee Clerk



## **Legislative Fiscal Bureau**

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

March 2, 1998

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Materials for the Committee's March 5, Section 13.10 Meeting

Attached are papers, prepared by this office, on those items which are scheduled for the Committee's March 5 meeting under s. 13.10.

The meeting is scheduled for 9:00 a.m. on the first floor of 119 Martin Luther King, Jr. Blvd.

BL/sas  
Attachments

**1997-99 BUDGET ADJUSTMENT BILL  
BRIEFING BY THE LEGISLATIVE FISCAL BUREAU**

**(Page and Item #'s from LFB Summary dated February, 1998)**

Page    Item #

**Overview**

Tables 1 thru 5 (pages 1 thru 6)

**General Fund Taxes and Revenue**

7	#1	Education Tax Benefit Proposal
10	#2	Internal Revenue Code Update
11	#3	Tax Amnesty -- Program Components and Administration
13	#4	Tax Amnesty Program -- Additional Tax Law Compliance Measures
16	#5	Suspension of Licenses and Credentials for Failure to Pay Delinquent Taxes

**Commerce**

33	#1	Wisconsin Development Fund
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**Shared Revenue**

91	#1	Property Tax Relief Fund
92	#2	Property Tax Exemption for Computers and Related State Aid Payment

**Health and Family Services**

63	#1	State Center Funding Reduction Following CIP IA Placements
64	#3	Transfer Southern Center Food Services to Corrections
64	#1	Community Options Program
66	#3	Long-Term Care Redesign (Family Care)
67	#4	Definition and Care Limitations of Nursing Homes, CBRFs and Adult Family Homes
72	#6	Conformity with Federal Adoption Laws

(over)

Page    Item #

**Corrections and Justice**

33	#2	Payment of Guardian Ad Litem Fees
39	#2	Supermax Correctional Institution Staffing
39	#3	Correctional Officer Pay Plan
40	#5	Fox Lake Correctional Institution Staffing
40	#6	Prison Contract Management Unit
41	#7	Green Bay Correctional Institution Staffing
49	#2	Prisoner Litigation
87	#1	Funding for Increases in Attorney's Salaries (Public Defender)
88	#2	Restoration of 1997 Act 27 Budget Reductions

**Education**

46	#1	Modified Salary Component of a Qualified Economic Offer (QEO)
88	#1	General Equalization Aid -- Funding Level
89	#2	Grant Program for Teacher Peer Review and Mentoring
89	#3	National Teacher Certification
90	#4	Promotion to 5th and 9th Graders

**Legislative Fiscal Bureau**

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 30, 1997

June  
3rd

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

**SUBJECT:** Budget Issue Papers

Attached are budget issue papers, prepared by this office, on the following agencies:

- Department of Workforce Development -- Departmentwide
- Department of Workforce Development -- Employment and Training Programs and Services
- Department of Public Instruction (excluding Interdistrict School Choice Programs)

These agencies have been scheduled for executive action by the Joint Committee on Finance. The meeting will be held at 9:00 a.m. on Tuesday, June 3, in 119 MLK Building, Joint Finance (back of Senate Chambers).

BL/sas  
Attachments

MO# Attendance

JENSEN	<del>X</del>	N	A
OURADA	<del>X</del>	N	A
HARSDORF	<del>X</del>	N	A
ALBERS	<del>X</del>	N	A
GARD	<del>X</del>	N	A
KAUFERT	<del>X</del>	N	A
LINTON	<del>X</del>	N	A
COGGS	<del>X</del>	N	A

BURKE	<del>Y</del>	N
DECKER	<del>Y</del>	N
GEORGE	<del>Y</del>	N
JAUCH	<del>Y</del>	N
WINEKE	<del>Y</del>	N
SHIBILSKI	<del>Y</del>	N
COWLES	<del>Y</del>	N
PANZER	<del>Y</del>	N

AYE\_\_\_\_\_NO\_\_\_\_\_ARS\_\_\_\_\_



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 28, 1997

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Budget Issue Papers

5/30

Attached are budget issue papers, prepared by this office, on the following agencies:

- State Investment Board
- Department of Natural Resources -- Fish, Wildlife and Recreational Aids
- Department of Natural Resources -- Stewardship
- Department of Health and Family Services -- Children and Family Services and Supportive Living (excluding Milwaukee County Child Welfare, Kinship Care and SSI)

These agencies have been scheduled for executive action by the Joint Committee on Finance. The meeting will be held at 9:00 a.m. on Friday, May 30, in 119 MLK Building, Joint Finance (back of Senate Chambers).

BL/sas  
Attachments

MO# Att

JENSEN	<input checked="" type="checkbox"/>	N	A
OURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A

BURKE	<input checked="" type="checkbox"/>	N	A
DECKER	<input checked="" type="checkbox"/>	N	A
GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 16 NO 0 ABS 0



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 23, 1997

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Budget Issue Papers

5127

Attached are budget issue papers, prepared by this office, on the following agencies:

- University of Wisconsin System
- University of Wisconsin Hospital and Clinics Board
- Higher Educational Aids Board
- Educational Communications Board
- State Public Defender
- Department of Workforce Development -- Child Support
- Department of Administration -- Transfers and Modifications of Functions
- Department of Administration -- Agency Services
- Department of Administration -- Housing
- Department of Administration -- Attached Programs

These agencies have been scheduled for executive action by the Joint Committee on Finance. The meeting will be held at 11:00 a.m. on Tuesday, May 27, in 119 MLK Building, Joint Finance (back of Senate Chambers).

BL/sas  
Attachments

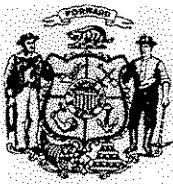
MO#

*Attendance*

JENSEN	Y	N	A
LEHMAN, M.	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A

AYE 16 NO 0 ABS 0



# Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 19, 1997

May 22

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Budget Issue Papers

Attached are budget issue papers, prepared by this office, on the following portions of the budget of the Department of Transportation:

- Transportation Fund Condition
- State Highway Program (excluding funding for state highway rehabilitation, major highway development and state highway maintenance)
- Motor Vehicles
- State Patrol
- Other Divisions

These agencies have been scheduled for executive action by the Joint Committee on Finance. The meeting will be held at 9:00 a.m. on Thursday, May 22, in 119 MLK Building, Joint Finance (back of Senate Chambers).

BL/sas  
Attachments

MO# Attendance

JENSEN	<input checked="" type="checkbox"/>	N	A
OURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A

BURKE	<input checked="" type="checkbox"/>	N	A
DECKER	<input checked="" type="checkbox"/>	N	A
GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE \_\_\_\_\_ NO \_\_\_\_\_ ABS \_\_\_\_\_



## Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

May 12, 1997

TO: Members  
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Budget Issue Papers

5/14

Attached are budget issue papers, prepared by this office, on the following agencies:

- Technology for Educational Achievement in Wisconsin Board
- Department of Revenue -- Lottery Administration
- Department of Financial Institutions
- Department of Employee Trust Funds

These agencies have been scheduled for executive action by the Joint Committee on Finance. The meeting will be held at 10:00 a.m. on Wednesday, May 14, in 119 MLK Building, Joint Finance (back of Senate Chambers).

BL/sas  
Attachments

MO# Attorney General

JENSEN	<input checked="" type="checkbox"/>	N	A
OURADA	<input checked="" type="checkbox"/>	N	A
HARSDORF	<input checked="" type="checkbox"/>	N	A
ALBERS	<input checked="" type="checkbox"/>	N	A
GARD	<input checked="" type="checkbox"/>	N	A
KAUFERT	<input checked="" type="checkbox"/>	N	A
LINTON	<input checked="" type="checkbox"/>	N	A
COGGS	<input checked="" type="checkbox"/>	N	A

BURKE	<input checked="" type="checkbox"/>	N	A
DECKER	<input checked="" type="checkbox"/>	N	A
GEORGE	<input checked="" type="checkbox"/>	N	A
JAUCH	<input checked="" type="checkbox"/>	N	A
WINEKE	<input checked="" type="checkbox"/>	N	A
SHIBILSKI	<input checked="" type="checkbox"/>	N	A
COWLES	<input checked="" type="checkbox"/>	N	A
PANZER	<input checked="" type="checkbox"/>	N	A

AYE 16 NO \_\_\_\_\_ ABS \_\_\_\_\_

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

State Recycling Programs

Motion:

Move to make the following changes related to state recycling programs and use of recycling fund monies:

1. Delete \$15,000,000 recycling SEG from the SB 77 Commerce brownfields grant program (LFB Paper #606).

Provide one-time funding of \$5 million GPR in each year to establish a brownfields loan program which would provide loans to municipalities or local development corporations for brownfields redevelopment, environmental audits or associated environmental remediation activities subject to brownfields grant program provisions relating to cash and in-kind matches, award criteria, the amount and distribution of awards, coordination with DOA and DNR, promulgation of rules for administering the programs and providing an annual report. Create a program revenue loan repayment appropriation to fund future loans and grants. In addition, establish the following provisions which would apply to both the grant and loan programs.

Require that before making a grant or loan, the Department must determine that one of the following applies:

- a. The party responsible for the actual or perceived environmental contamination of the facility or site that is the subject of the project is unknown, cannot be located, or financially unable to pay the costs of brownfields redevelopment, an environmental audit, or associated environmental remediation activities.

- b. The municipality, or local development corporation will pursue recovery of the costs of brownfields redevelopment, an environmental audit, or associated environmental remediation activities from the party responsible for the actual or perceived environmental contamination, and the municipality or local development corporation will repay the department a proportionate amount of the costs actually recovered.

Authorize Commerce to make a grant or loan if all of the following applied:

- a. The person uses the loan for brownfields redevelopment, an environmental audit, or associated environmental remediation activities.

b. The party responsible for the actual or perceived environmental contamination of the facility or site that is the subject of the project is unknown, cannot be located, or is financially unable to pay the costs of brownfields redevelopment, an environmental audit, or associated environmental remediation activities.

c. The person contributes to the cost of the project in-kind or cash.

Brownfields redevelopment would be defined to mean any work or undertaking by a person, municipality or local development corporation to acquire a brownfields facility or site, to conduct an environmental audit, to engage in environmental remediation, and to raze, demolish, remove, reconstruct, renovate or rehabilitate existing buildings, structures or other improvements to promote use of the brownfields facility or site for commercial industrial, residential or other purposes.

"Environmental audit" would mean an investigation, analysis and monitoring of a brownfields facility or site to determine the existence and extent of actual or potential environment pollution.

"Environmental remediation activities" would mean abating, removing or containing environmental pollution at a brownfields facility or site, or restoring soil or groundwater at a brownfields facility or site.

"Local development corporation" would mean a nonprofit corporation organized under ch. 181 of the statutes that does all of the following:

1. Operates within specific geographic boundaries;
2. Promotes economic development with a specific geographic area.;
3. Demonstrates a commitment to or experience in redevelopment of brownfields.

"Municipality" would mean a city, village, town or county.

"Person" would mean an individual, partnership, corporation, limited liability company, or limited liability partnership.

2. Repeal, on December 31, 1999, the effective recycling program criteria (which responsible units must meet to receive municipal and county recycling grants), the duty of DNR to review and determine whether local recycling programs are effective, variances to the criteria and exceptions to the criteria. Instead, require a responsible unit of government to register a local recycling program with DNR as being an effective recycling program that manages solid wastes in compliance with the 1991, 1993 and 1995 landfilling and incineration bans and the state solid waste management hierarchy in order to be eligible for recycling grants in 2000.

3. Make the following modifications to the existing municipal and county recycling grant program for calendar years 1998 and 1999: (a) increase the total grant amount for calendar year 1999 from \$17 million under current law to \$24 million; (b) continue the same grant calculation formula as currently exists for calendar year 1997; (c) repeal the funding of yard waste expenses; and (d) repeal the 10% set-aside of the funds appropriated for supplemental grants to responsible units that have implemented a volume-based fee system for solid waste services.

4. Create a municipal and county recycling grant program for calendar year 2000 as follows: (a) provide \$19,000,000 SEG from the recycling fund for grants for calendar year 2000; (b) specify that a responsible unit that has submitted a registration to DNR for the responsible unit's effective recycling program by October 1, 1999, would be eligible for a calendar year 2000 grant; (c) direct DNR to award grants to eligible responsible units by providing them with the same percentage of the total amount of grant funds that a responsible unit received in calendar year 1999; and (d) specify that calendar year 2000 grants may be expended on expenses of a registered recycling program that complies with the 1995 landfilling bans (this excludes yard waste costs).

~~5. Make the following changes related to out-of-state waste disposed of in Wisconsin: (a) authorize an out-of-state government to register its effective recycling program for waste disposed in Wisconsin in the same manner as a responsible unit may register its program; (b) repeal the requirement that the status of the recycling program of a local unit of government located outside of Wisconsin as an "effective recycling program" be promulgated in rules; (c) repeal the requirement that, in order for solid waste generated in another state to be disposed of in Wisconsin, the state in which it is generated must have an "effective landfill siting program"; (d) repeal the solid waste capacity fee; (e) repeal the requirement that an out-of-state unit be in compliance with all of its home state's recycling requirements in order for its recycling program to be registered as an effective program; (f) allow an out-of-state unit to obtain an exception to the 1995 landfilling and incineration bans that responsible units are now able to obtain; and (g) repeal the requirement that the DNR promulgate rules for determining the comparability of an out-of-state unit's recycling program.~~

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Note:

The motion would leave \$5 million of recycling fund monies for the Commerce brownfields grant program. And create a \$10 million GPR revolving loan fund (\$5 million PR in each year of the 1997-99 biennium only).

The motion would increase funding for municipal and county recycling grants to \$24 million in 1998-99 and would create an additional year of grant funding and eligibility

requirements in 1999-2000 with \$19 million for grants. For calendar year 2000, the current requirements that a responsible unit obtain DNR certification of its effective recycling program would be replaced with self-certification by the responsible unit that it has an effective recycling program.

In response to recent federal court rulings, the motion would make a number of changes related to out-of-state waste disposed in Wisconsin. Items #6 (b) through (g) were recommended by the Joint Legislative Council Special Committee on the Future of Recycling.

If the motion and the remaining Governor's recommendations related to use of recycling fund monies are approved (\$4 million for a WHEDA brownfields loan guarantee program and \$500,000 for DOA geographic information systems), the recycling fund would have a balance of approximately \$20.6 million on June 30, 1999. The 1998-99 year-end recycling fund balance would be available to fund the \$19 million in municipal and county recycling grants for calendar year 2000, but would not be sufficient to continue other expenditures from the recycling fund at the 1998-99 level.

[Change to Base: \$10,000,000 GPR and \$7,000,000 SEG]

[Change to Bill: \$10,000,000 GPR and -\$8,000,000 SEG]

MO# 7009

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A
JENSEN	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A
AYE	<u>14</u>	NO <u>2</u>	ABS <u>0</u>

NATURAL RESOURCES -- AIR, WASTE AND CONTAMINATED LAND

State Recycling Programs

Motion:

Move to make the following changes related to state recycling programs and use of recycling fund monies:

1. Delete \$15,000,000 recycling SEG from the SB 77 Commerce brownfields grant program (LFB Paper #606).

Provide one-time funding of \$5 million GPR in each year to establish a brownfields loan program which would provide loans to municipalities or local development corporations for brownfields redevelopment, environmental audits or associated environmental remediation activities subject to brownfields grant program provisions relating to cash and in-kind matches, award criteria, the amount and distribution of awards, coordination with DOA and DNR, promulgation of rules for administering the programs and providing an annual report. Create a program revenue loan repayment appropriation to fund future loans and grants. In addition, establish the following provisions which would apply to both the grant and loan programs.

Require that before making a grant or loan, the Department must determine that one of the following applies:

- a. The party responsible for the actual or perceived environmental contamination of the facility or site that is the subject of the project is unknown, cannot be located, or financially unable to pay the costs of brownfields redevelopment, an environmental audit, or associated environmental remediation activities.

- b. The municipality, or local development corporation will pursue recovery of the costs of brownfields redevelopment, an environmental audit, or associated environmental remediation activities from the party responsible for the actual or perceived environmental contamination, and the municipality or local development corporation will repay the department a proportionate amount of the costs actually recovered.

Authorize Commerce to make a grant or loan if all of the following applied:

- a. The person uses the loan for brownfields redevelopment, an environmental audit, or associated environmental remediation activities.

b. The party responsible for the actual or perceived environmental contamination of the facility or site that is the subject of the project is unknown, cannot be located, or is financially unable to pay the costs of brownfields redevelopment, an environmental audit, or associated environmental remediation activities.

c. The person contributes to the cost of the project in-kind or cash.

Brownfields redevelopment would be defined to mean any work or undertaking by a person, municipality or local development corporation to acquire a brownfields facility or site, to conduct an environmental audit, to engage in environmental remediation, and to raze, demolish, remove, reconstruct, renovate or rehabilitate existing buildings, structures or other improvements to promote use of the brownfields facility or site for commercial industrial, residential or other purposes.

"Environmental audit" would mean an investigation, analysis and monitoring of a brownfields facility or site to determine the existence and extent of actual or potential environment pollution.

"Environmental remediation activities" would mean abating, removing or containing environmental pollution at a brownfields facility or site, or restoring soil or groundwater at a brownfields facility or site.

"Local development corporation" would mean a nonprofit corporation organized under ch. 181 of the statutes that does all of the following:

1. Operates within specific geographic boundaries;
2. Promotes economic development with a specific geographic area.;
3. Demonstrates a commitment to or experience in redevelopment of brownfields.

"Municipality" would mean a city, village, town or county.

"Person" would mean an individual, partnership, corporation, limited liability company, or limited liability partnership.

2. Repeal, on December 31, 1999, the effective recycling program criteria (which responsible units must meet to receive municipal and county recycling grants), the duty of DNR to review and determine whether local recycling programs are effective, variances to the criteria and exceptions to the criteria. Instead, require a responsible unit of government to register a local recycling program with DNR as being an effective recycling program that manages solid wastes in compliance with the 1991, 1993 and 1995 landfilling and incineration bans and the state solid waste management hierarchy in order to be eligible for recycling grants in 2000.

3. Make the following modifications to the existing municipal and county recycling grant program for calendar years 1998 and 1999: (a) increase the total grant amount for calendar year 1999 from \$17 million under current law to \$24 million; (b) continue the same grant calculation formula as currently exists for calendar year 1997; (c) repeal the funding of yard waste expenses; and (d) repeal the 10% set-aside of the funds appropriated for supplemental grants to responsible units that have implemented a volume-based fee system for solid waste services.

4. Create a municipal and county recycling grant program for calendar year 2000 as follows: (a) provide \$19,000,000 SEG from the recycling fund for grants for calendar year 2000; (b) specify that a responsible unit that has submitted a registration to DNR for the responsible unit's effective recycling program by October 1, 1999, would be eligible for a calendar year 2000 grant; (c) direct DNR to award grants to eligible responsible units by providing them with the same percentage of the total amount of grant funds that a responsible unit received in calendar year 1999; and (d) specify that calendar year 2000 grants may be expended on expenses of a registered recycling program that complies with the 1995 landfilling bans (this excludes yard waste costs).

~~5. Make the following changes related to out-of-state waste disposed of in Wisconsin: (a) authorize an out-of-state government to register its effective recycling program for waste disposed in Wisconsin in the same manner as a responsible unit may register its program; (b) repeal the requirement that the status of the recycling program of a local unit of government located outside of Wisconsin as an "effective recycling program" be promulgated in rules; (c) repeal the requirement that, in order for solid waste generated in another state to be disposed of in Wisconsin, the state in which it is generated must have an "effective landfill siting program"; (d) repeal the solid waste capacity fee; (e) repeal the requirement that an out-of-state unit be in compliance with all of its home state's recycling requirements in order for its recycling program to be registered as an effective program; (f) allow an out-of-state unit to obtain an exception to the 1995 landfilling and incineration bans that responsible units are now able to obtain; and (g) repeal the requirement that the DNR promulgate rules for determining the comparability of an out-of-state unit's recycling program.~~

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Note:

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requirements in 1999-2000 with \$19 million for grants. For calendar year 2000, the current requirements that a responsible unit obtain DNR certification of its effective recycling program would be replaced with self-certification by the responsible unit that it has an effective recycling program.

In response to recent federal court rulings, the motion would make a number of changes related to out-of-state waste disposed in Wisconsin. Items #6 (b) through (g) were recommended by the Joint Legislative Council Special Committee on the Future of Recycling.

If the motion and the remaining Governor's recommendations related to use of recycling fund monies are approved (\$4 million for a WHEDA brownfields loan guarantee program and \$500,000 for DOA geographic information systems), the recycling fund would have a balance of approximately \$20.6 million on June 30, 1999. The 1998-99 year-end recycling fund balance would be available to fund the \$19 million in municipal and county recycling grants for calendar year 2000, but would not be sufficient to continue other expenditures from the recycling fund at the 1998-99 level.

[Change to Base: \$10,000,000 GPR and \$7,000,000 SEG]

[Change to Bill: \$10,000,000 GPR and -\$8,000,000 SEG]

## EMPLOYMENT RELATIONS

### Oversight of Certain State Employee Disciplinary Investigations

Motion:

Move to include statutory language to:

(1) Require the Administrator of the Division of Merit Recruitment and Selection (DMRS) in the Department of Employment Relations to establish, by rule, procedures that each state agency must follow in investigating any alleged violation of the code of ethics currently established by the Administrator under s. 19.45(11)(a) of the statutes and applicable to classified and unclassified state employees other than those employees subject to the jurisdiction of the Ethics Board, unclassified employees in the University of Wisconsin System and officers and employees of the judicial branch of state government.

(2) Require the Administrator to specify, by rule, appropriate discipline for a violation of the DMRS code of ethics, except that such discipline may not include a fine, forfeiture or term of imprisonment. Stipulate that if an employee is alleged by his or her appointing authority to have violated that code of ethics, the Administrator, at his or her own initiative or at the request of the appropriate appointing authority, may suspend with pay the employee pending investigation of the alleged violation of the DMRS code of ethics.

(3) Provide that any employee who is determined to have violated a provision of the DMRS code of ethics may be disciplined by the employee's appointing authority or the Administrator as specified in the rules which the Administrator would be required to promulgate.

(4) Stipulate that if an appointing authority is investigating an alleged violation of the DMRS code of ethics and the Administrator determines that the appointing authority is not following procedures established by the new rules, the Administrator may assume control of the investigation. Require that any information contained in records obtained or prepared by the appointing authority or the Administrator in connection with an investigation of an alleged violation of the DMRS code of ethics could not be disclosed to the public, unless the alleged violation is referred to a district attorney or the Attorney General and the information is used by these individuals in the course of a civil or criminal action arising out of a violation of the DMRS code of ethics.

(5) Require the Administrator to disclose, upon request, the outcome of any such investigation, including any discipline imposed on the employee.



BOARD OF COMMISSIONERS OF PUBLIC LANDS AND HISTORICAL SOCIETY

Revised Procedures for the Recovery of Sunken Logs  
from Submerged Lands Owned by the State  
and Allocation of Certain Permit Fees and Sale Proceeds  
to Northern Great Lakes Center and a Maritime Grant Program

Motion:

Move to add to the Governor's recommendation the following modifications to current law relating to the recovery of sunken logs from submerged lands owned by the state:

- (1) Revise the definition of "log" to include any portion of a trunk or a tree previously used in substantially its natural state as part of a dock or crib, but which is no longer a part of the dock or crib or any other discernible structure, or which is part of the debris field of a dock or crib;
- (2) Specify that sunken logs would not be deemed objects of archeological interest;
- (3) Increase the cost of permits for raising sunken logs from submerged state lands from \$50 to \$500 and extend their period of validity from one to five years. Further, specify that the permits may be issued only for logs in Lake Michigan and Lake Superior;
- (4) Require all permit applicants to include with the permit application a performance bond of \$10,000, unless the permit holder has previously received a permit from the Board. If an applicant has not previously conducted actual log-raising activities, require the applicant to submit a business plan to the Board certified to be viable by the Department of Commerce;
- (5) Provide that all sunken log permit fees and the state's share of sale revenues, other than revenues subject to (8) below, would be credited to a new continuing program revenue appropriation under the State Historical Society rather than accruing to the Common School Fund.
- (6) Specify that the PR appropriation under the Historical Society would be used for the following purposes in each year: (a) the first \$100,000 in revenue would be used to offset on a dollar-for-dollar basis the GPR funding provided to the Society for the operating costs of the Northern Great Lakes Center; (b) the next \$300,000 in revenue would be provided to the Society for a new grant program related to maritime projects; and (c) any revenue credited to the appropriation above \$400,000 in each year would lapse to the general fund.

(7) Require the Historical Society to establish a grant program for maritime related projects. Direct the Society to promulgate rules to define maritime projects. Specify that the Society could not award more than one grant per fiscal year to an applicant and could not award grants to an applicant for more than two consecutive fiscal years. Specify that grants awarded to any applicant could not exceed \$50,000 during the two-year period. Require grant applicants to contribute 10% of the grant amount as matching monies from a non-state source.

(8) Provide that if a raised log shows evidence of a Native American tribal mark or brand, 20% of the appraised market value of the log would be paid to the applicable tribe, rather than to the State Historical Society;

(9) Provide that the area covered by a permit must be contiguous and may not exceed 160 acres. Stipulate that a location may not be subject to more than one permit;

(10) Provide for the automatic renewal of any permit for an additional period of five years, if the permit holder submits a request for renewal, along with \$500, to the Board at least 30 days prior to the renewal date unless, after notice to the permit holder and an opportunity to be heard, the Board determines that a permit holder has knowingly or willingly violated the terms, conditions and requirements of a permit or applicable field archeology permit laws. Specify that upon such a finding, the Board could deny, restrict or limit the renewal. Grant the Board authority to apply conditions to an existing permit if previously unknown archeological or environmental facts are discovered affecting the location of the permit;

(11) Require permit holders to: (a) allow a designee of the Historical Society to observe log recovery activities under a permit; and (b) provide to the Historical Society, upon written request from the Society, a representative sample of company logging marks by sawing off the ends of the logs bearing the marks and delivering them to the Historical Society;

(12) Prohibit permit holders who raise sunken logs in a permitted area from: (a) removing any archeological object; (b) disturbing any discernible or identified archeological site; or (c) disturbing any crib or dock;

(13) Impose the following forfeitures and remedies applicable to log removal activities: (a) for persons raising logs for commercial gain without a permit, require a forfeiture of \$500 or an amount equal to twice the gross value of the removed log, whichever was greater, plus reasonably incurred costs of investigation and prosecution; (b) for any person who intentionally interferes with log recovery operations for which a permit had been issued, make the individual liable for any actual losses caused by the interference (including wages, damage to property and attorney costs) and authorize a forfeiture of not less than \$100 nor more than \$500. Specify that any logs removed in violation of applicable statutory provisions must be returned to the lake bed, as directed by the Board, or, as currently required, forfeited to the state;

(14) Specify that the Director of the Historical Society may require a field archeology permit for the removal of sunken logs only if it is necessary to protect an identified archeological

site. In the absence of such a need, require the Director to waive the permit requirement, except that the Director would be authorized to impose data gathering requirements on the permit holder; and

(15) Specify that these modifications would first apply to permits issued or renewed on the effective date of the bill; however, a permit already existing on the effective date of the bill could become subject to these modifications if the permit holder consents, in writing, to the Board.

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Note:

This motion would make a variety of changes to procedures affecting the recovery of sunken logs from submerged lands owned by the state and the use of permit fees and sale proceeds, as follows:

(1) Currently a log is defined as a portion of a tree or a felled tree that has not been further processed for any end use. The motion adds to this definition logs that are portions of a trunk or a tree previously used in substantially its natural state as part of a dock or crib, where the log is not part of a discernible dock or crib or is in the debris field of the dock or crib.

(2) Sunken logs, as newly defined, would not be deemed archeological objects under the state's field archeology law (s. 44.47 of the statutes).

(3) Currently, permits to raise sunken logs may be issued applicable to all sunken lands owned by the state, cost \$50 and are valid for one year. The motion would increase the permit cost to \$500, provide for five-year permits and allow permits for log-raising activities only in Lakes Michigan and Superior. The raising of sunken logs from other submerged lands owned by the state would be prohibited.

(4) Current law does not require a performance bond from the permit applicant. The motion would require a \$10,000 performance bond. However, this bond requirement would not apply to permit holders previously granted a permit by the Board. The motion would also require applicants with no prior log-raising experience to submit a business plan certified to be viable by the Department of Commerce.

(5) Sunken log permit fees and the state's share of sale proceeds (other than proceeds payable to a tribe) would be credited to a new appropriation under the state Historical Society.

(6) Each year, this new appropriation would offset GPR funding to the Northern Great Lakes Center (the first \$100,000 of proceeds), fund a maritime grant program (the next \$300,000 of proceeds), or would lapse to the general fund (any proceeds over \$400,000).

(7) The Historical Society would be required to establish a grant program for maritime-related projects and grant award provisions would be specified.

(8) Current law does not provide for the payment of any sale proceeds to Native American tribes. The motion would provide that the sale proceeds from raised logs with identifiable tribal markings would be paid to the appropriate tribe rather than to the Historical Society.

(9) Current law does not limit the overall size of a location subject to a permit; however, current Board administrative practice sets the maximum size at 59.99 acres. The motion establishes a statutory maximum permit location size of 160 acres. The statutes do not require the area covered by a permit to be contiguous and do not limit the number of permits granted for one location, although the Board's current administrative practice provides for both. The motion would codify these current administrative practices.

(10) Under current law, permits are renewable by the Board for successive one-year periods upon payment of a \$50 fee with each renewal application. The Board may place conditions on any renewal and may deny a renewal if the permit holder has violated the terms, conditions or requirements of the previous permit. The motion provides for the automatic renewal of any permits for an additional 5-year period upon payment of \$500 to the Board. The Board would be authorized to deny, restrict or limit the permit renewal, after notice to the permit holder and an opportunity to be heard, for violations of the terms, conditions and requirements of a permit or applicable field archeology permit laws. Permits would newly contain provisions allowing the Board to impose new conditions to the permit if previously unknown archeological or environmental facts are discovered affecting the location of the permit.

(11) The motion would newly require a permit holder to allow the Historical Society to observe the log-raising operations. The permit holder, when requested by the Historical Society, would also be required to provide the Historical Society with certain logging company markings found of the raised logs.

(12) The motion would newly prohibit permit holders from removing archeological objects, disturbing archeological sites or disturbing any crib or dock.

(13) The motion would newly impose forfeitures of: (a) the greater of \$500 or an amount equal to twice the gross value of the removed log, plus reasonable costs of investigation and prosecution, for logs removed for commercial gain without a permit; and (b) not less than \$100 nor more than \$500, plus liability for actual losses, for any person who intentionally interferes with log recovery operations for which a permit has been issued. Logs removed in violation of applicable statutory provisions would have to be returned to the lake bed, as directed by the Board. Currently, such logs are forfeited to the state.

(14) Current law allows the Director of the Historical Society to require an applicant for a permit to raise sunken logs to obtain a field archeology permit. Under the motion, this field

permit would only be required if it is necessary to protect an identified archeological site. If no such site needed protection, the Director would have to waive the requirement for the field archeology permit but could impose data gathering requirements on the permit holder.

(15) The provisions of the motion would first apply to permits issued or renewed on or after the general effective date of the biennial budget act. An existing permit on the effective date could also be made subject to these provisions if the permit holder consented, in writing, to the Board.

MO# 1066

JENSEN	<del>Y</del>	N	A
OURADA	<del>Y</del>	N	A
HARSDORF	<del>Y</del>	N	A
ALBERS	<del>Y</del>	N	A
GARD	<del>Y</del>	N	A
KAUFERT	<del>Y</del>	N	A
LINTON	<del>Y</del>	N	A
COGGS	<del>Y</del>	N	A
BURKE	<del>Y</del>	N	A
DECKER	<del>Y</del>	N	A
GEORGE	<del>Y</del>	N	A
JAUCH	<del>Y</del>	N	A
WINEKE	<del>Y</del>	N	A
SHIBILSKI	<del>Y</del>	N	A
COWLES	<del>Y</del>	N	A
PANZER	<del>Y</del>	N	A

AYE 16 NO 0 ABS

EDUCATIONAL COMMUNICATIONS BOARD/  
ADMINISTRATION/BUILDING PROGRAM

Emergency Weather Service

Motion:

Move to provide \$40,800 PR in 1997-98 and \$57,400 PR in 1998-99 from DOA's telecommunications and data processing services appropriation for operating funds for the proposed emergency weather warning system. Create a separate, annual program revenue appropriation in ECB for the receipt and expenditure of these funds. Specify that the DOA appropriation account would provide the amounts specified in the appropriation schedule for operation of the emergency weather warning system.

Note:

The proposed 1997-99 capital budget includes \$308,600 in general fund supported, general obligation bonding for an ECB emergency weather warning system which would be located in southern Rock County, Fond du Lac, Sheboygan, Bloomington and Ashridge. This motion would provide funding from DOA's appropriation for telecommunications and data processing services for tower and interconnection leases and monitoring required by the Federal Communications Commission. The motion also creates a new PR appropriation in ECB for the receipt and expenditure of funds from DOA.

[Change to Bill: \$98,200 PR]

MO#

6080

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
2 COWLES	Y	N	A
1 PANZER	Y	N	A
JENSEN	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

Motion #6080

AYE 15 NO 1 ABS 0

Senator Burke  
Representative Jensen

# WRAP-UP MOTION AND ADOPTION OF THE SUBSTITUTE AMENDMENT

## Motion:

Move to adopt a substitute amendment incorporating all the Committee's changes to Senate Bill 77. Direct the Legislative Fiscal Bureau to have the substitute drafted. Provide that the Legislative Fiscal Bureau may, in the process of having the substitute drafted, incorporate any necessary technical corrections in funding, statutory language or cross references required to reconcile the various actions of the Committee and correctly reflect the Committee's intent.

Further, move to recommend the bill for passage as amended.

MO# 9799

BURKE	(Y)	N	A
DECKER	(Y)	N	A
GEORGE	Y	(N)	A
JAUCH	Y	(N)	A
WINEKE	Y	(N)	A
SHIBILSKI	(Y)	N	A
COWLES	Y	(N)	A
PANZER	Y	(N)	A
JENSEN	(Y)	N	A
OURADA	(Y)	N	A
HARSDORF	(Y)	N	A
ALBERS	(Y)	N	A
GARD	(Y)	N	A
KAUFERT	(Y)	N	A
LINTON	(Y)	N	A
COGGS	Y	(N)	A

AYE 10 NO 6 ABS 0

BOARD OF COMMISSIONERS OF PUBLIC LANDS AND HISTORICAL SOCIETY

Revised Procedures for the Recovery of Sunken Logs  
from Submerged Lands Owned by the State  
and Allocation of Certain Permit Fees and Sale Proceeds  
to Northern Great Lakes Center and a Maritime Grant Program

Motion:

Move to add to the Governor's recommendation the following modifications to current law relating to the recovery of sunken logs from submerged lands owned by the state:

- (1) Revise the definition of "log" to include any portion of a trunk or a tree previously used in substantially its natural state as part of a dock or crib, but which is no longer a part of the dock or crib or any other discernible structure, or which is part of the debris field of a dock or crib;
- (2) Specify that sunken logs would not be deemed objects of archeological interest;
- (3) Increase the cost of permits for raising sunken logs from submerged state lands from \$50 to \$500 and extend their period of validity from one to five years. Further, specify that the permits may be issued only for logs in Lake Michigan and Lake Superior;
- (4) Require all permit applicants to include with the permit application a performance bond of \$10,000, unless the permit holder has previously received a permit from the Board. If an applicant has not previously conducted actual log-raising activities, require the applicant to submit a business plan to the Board certified to be viable by the Department of Commerce;
- (5) Provide that all sunken log permit fees and the state's share of sale revenues, other than revenues subject to (8) below, would be credited to a new continuing program revenue appropriation under the State Historical Society rather than accruing to the Common School Fund.
- (6) Specify that the PR appropriation under the Historical Society would be used for the following purposes in each year: (a) the first \$100,000 in revenue would be used to offset on a dollar-for-dollar basis the GPR funding provided to the Society for the operating costs of the Northern Great Lakes Center; (b) the next \$300,000 in revenue would be provided to the Society for a new grant program related to maritime projects; and (c) any revenue credited to the appropriation above \$400,000 in each year would lapse to the general fund.

(7) Require the Historical Society to establish a grant program for maritime related projects. Direct the Society to promulgate rules to define maritime projects. Specify that the Society could not award more than one grant per fiscal year to an applicant and could not award grants to an applicant for more than two consecutive fiscal years. Specify that grants awarded to any applicant could not exceed \$50,000 during the two-year period. Require grant applicants to contribute 10% of the grant amount as matching monies from a non-state source.

(8) Provide that if a raised log shows evidence of a Native American tribal mark or brand, 20% of the appraised market value of the log would be paid to the applicable tribe, rather than to the State Historical Society;

(9) Provide that the area covered by a permit must be contiguous and may not exceed 160 acres. Stipulate that a location may not be subject to more than one permit;

(10) Provide for the automatic renewal of any permit for an additional period of five years, if the permit holder submits a request for renewal, along with \$500, to the Board at least 30 days prior to the renewal date unless, after notice to the permit holder and an opportunity to be heard, the Board determines that a permit holder has knowingly or willingly violated the terms, conditions and requirements of a permit or applicable field archeology permit laws. Specify that upon such a finding, the Board could deny, restrict or limit the renewal. Grant the Board authority to apply conditions to an existing permit if previously unknown archeological or environmental facts are discovered affecting the location of the permit;

(11) Require permit holders to: (a) allow a designee of the Historical Society to observe log recovery activities under a permit; and (b) provide to the Historical Society, upon written request from the Society, a representative sample of company logging marks by sawing off the ends of the logs bearing the marks and delivering them to the Historical Society;

(12) Prohibit permit holders who raise sunken logs in a permitted area from: (a) removing any archeological object; (b) disturbing any discernible or identified archeological site; or (c) disturbing any crib or dock;

(13) Impose the following forfeitures and remedies applicable to log removal activities: (a) for persons raising logs for commercial gain without a permit, require a forfeiture of \$500 or an amount equal to twice the gross value of the removed log, whichever was greater, plus reasonably incurred costs of investigation and prosecution; (b) for any person who intentionally interferes with log recovery operations for which a permit had been issued, make the individual liable for any actual losses caused by the interference (including wages, damage to property and attorney costs) and authorize a forfeiture of not less than \$100 nor more than \$500. Specify that any logs removed in violation of applicable statutory provisions must be returned to the lake bed, as directed by the Board, or, as currently required, forfeited to the state;

(14) Specify that the Director of the Historical Society may require a field archeology permit for the removal of sunken logs only if it is necessary to protect an identified archeological

site. In the absence of such a need, require the Director to waive the permit requirement, except that the Director would be authorized to impose data gathering requirements on the permit holder; and

(15) Specify that these modifications would first apply to permits issued or renewed on the effective date of the bill; however, a permit already existing on the effective date of the bill could become subject to these modifications if the permit holder consents, in writing, to the Board.

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Note:

This motion would make a variety of changes to procedures affecting the recovery of sunken logs from submerged lands owned by the state and the use of permit fees and sale proceeds, as follows:

(1) Currently a log is defined as a portion of a tree or a felled tree that has not been further processed for any end use. The motion adds to this definition logs that are portions of a trunk or a tree previously used in substantially its natural state as part of a dock or crib, where the log is not part of a discernible dock or crib or is in the debris field of the dock or crib.

(2) Sunken logs, as newly defined, would not be deemed archeological objects under the state's field archeology law (s. 44.47 of the statutes).

(3) Currently, permits to raise sunken logs may be issued applicable to all sunken lands owned by the state, cost \$50 and are valid for one year. The motion would increase the permit cost to \$500, provide for five-year permits and allow permits for log-raising activities only in Lakes Michigan and Superior. The raising of sunken logs from other submerged lands owned by the state would be prohibited.

(4) Current law does not require a performance bond from the permit applicant. The motion would require a \$10,000 performance bond. However, this bond requirement would not apply to permit holders previously granted a permit by the Board. The motion would also require applicants with no prior log-raising experience to submit a business plan certified to be viable by the Department of Commerce.

(5) Sunken log permit fees and the state's share of sale proceeds (other than proceeds payable to a tribe) would be credited to a new appropriation under the state Historical Society.

(6) Each year, this new appropriation would offset GPR funding to the Northern Great Lakes Center (the first \$100,000 of proceeds), fund a maritime grant program (the next \$300,000 of proceeds), or would lapse to the general fund (any proceeds over \$400,000).

(7) The Historical Society would be required to establish a grant program for maritime-related projects and grant award provisions would be specified.

(8) Current law does not provide for the payment of any sale proceeds to Native American tribes. The motion would provide that the sale proceeds from raised logs with identifiable tribal markings would be paid to the appropriate tribe rather than to the Historical Society.

(9) Current law does not limit the overall size of a location subject to a permit; however, current Board administrative practice sets the maximum size at 59.99 acres. The motion establishes a statutory maximum permit location size of 160 acres. The statutes do not require the area covered by a permit to be contiguous and do not limit the number of permits granted for one location, although the Board's current administrative practice provides for both. The motion would codify these current administrative practices.

(10) Under current law, permits are renewable by the Board for successive one-year periods upon payment of a \$50 fee with each renewal application. The Board may place conditions on any renewal and may deny a renewal if the permit holder has violated the terms, conditions or requirements of the previous permit. The motion provides for the automatic renewal of any permits for an additional 5-year period upon payment of \$500 to the Board. The Board would be authorized to deny, restrict or limit the permit renewal, after notice to the permit holder and an opportunity to be heard, for violations of the terms, conditions and requirements of a permit or applicable field archeology permit laws. Permits would newly contain provisions allowing the Board to impose new conditions to the permit if previously unknown archeological or environmental facts are discovered affecting the location of the permit.

(11) The motion would newly require a permit holder to allow the Historical Society to observe the log-raising operations. The permit holder, when requested by the Historical Society, would also be required to provide the Historical Society with certain logging company markings found of the raised logs.

(12) The motion would newly prohibit permit holders from removing archeological objects, disturbing archeological sites or disturbing any crib or dock.

(13) The motion would newly impose forfeitures of: (a) the greater of \$500 or an amount equal to twice the gross value of the removed log, plus reasonable costs of investigation and prosecution, for logs removed for commercial gain without a permit; and (b) not less than \$100 nor more than \$500, plus liability for actual losses, for any person who intentionally interferes with log recovery operations for which a permit has been issued. Logs removed in violation of applicable statutory provisions would have to be returned to the lake bed, as directed by the Board. Currently, such logs are forfeited to the state.

(14) Current law allows the Director of the Historical Society to require an applicant for a permit to raise sunken logs to obtain a field archeology permit. Under the motion, this field

permit would only be required if it is necessary to protect an identified archeological site. If no such site needed protection, the Director would have to waive the requirement for the field archeology permit but could impose data gathering requirements on the permit holder.

(15) The provisions of the motion would first apply to permits issued or renewed on or after the general effective date of the biennial budget act. An existing permit on the effective date could also be made subject to these provisions if the permit holder consented, in writing, to the Board.

Carryover from BCPL  
considered on 5/7

MO# 1066

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
2 COWLES	Y	N	A
PANZER	Y		
JENSEN	Y	N	A
OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
GARD	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

AYE 16 NO 0 ABS 0

## EMPLOYMENT RELATIONS

### Oversight of Certain State Employee Disciplinary Investigations

Motion:

Move to include statutory language to:

(1) Require the Administrator of the Division of Merit Recruitment and Selection (DMRS) in the Department of Employment Relations to establish, by rule, procedures that each state agency must follow in investigating any alleged violation of the code of ethics currently established by the Administrator under s. 19.45(11)(a) of the statutes and applicable to classified and unclassified state employees other than those employees subject to the jurisdiction of the Ethics Board, unclassified employees in the University of Wisconsin System and officers and employees of the judicial branch of state government.

(2) Require the Administrator to specify, by rule, appropriate discipline for a violation of the DMRS code of ethics, except that such discipline may not include a fine, forfeiture or term of imprisonment. Stipulate that if an employee is alleged by his or her appointing authority to have violated that code of ethics, the Administrator, at his or her own initiative or at the request of the appropriate appointing authority, may suspend with pay the employee pending investigation of the alleged violation of the DMRS code of ethics.

(3) Provide that any employee who is determined to have violated a provision of the DMRS code of ethics may be disciplined by the employee's appointing authority or the Administrator as specified in the rules which the Administrator would be required to promulgate.

(4) Stipulate that if an appointing authority is investigating an alleged violation of the DMRS code of ethics and the Administrator determines that the appointing authority is not following procedures established by the new rules, the Administrator may assume control of the investigation. Require that any information contained in records obtained or prepared by the appointing authority or the Administrator in connection with an investigation of an alleged violation of the DMRS code of ethics could not be disclosed to the public, unless the alleged violation is referred to a district attorney or the Attorney General and the information is used by these individuals in the course of a civil or criminal action arising out of a violation of the DMRS code of ethics.

(5) Require the Administrator to disclose, upon request, the outcome of any such investigation, including any discipline imposed on the employee.

(6) Provide that the state, as employer, would be prohibited from bargaining provisions in collective bargaining agreements which violated any of the above procedures.

Note:

The Administrator of DER's Division of Merit Recruitment and Selection is required to promulgate by rule a code of ethics applicable to classified and unclassified state employees other than those employees subject to the jurisdiction of the Ethics Board, unclassified employees in the University of Wisconsin System and officers and employees of the judicial branch of state government. That code establishes procedures relating to the acceptance of hospitality in relation to state business, standards of conduct, guidelines for outside employment and actions to be taken by covered employees to avoid a conflict of interest.

This motion would require the Administrator to develop, by rule: (1) standard procedures which must be followed by all affected state agencies when investigating alleged violations of the DMRS ethics code; and (2) appropriate discipline for violations. Discipline could be imposed by the employee's appointing authority or by the Administrator, as provided by rule.

Where the appointing authority did not follow the rules promulgated by the Administrator for the investigation of an alleged violation of the code, the motion would authorize the Administrator to assume the investigation. Information obtained during an investigation would generally remain confidential, except as provided to a district attorney or the Attorney General in the context of a civil or criminal action arising out of the violation.

Finally, when requested by any individual, the outcome of any investigation, including discipline imposed, would have to be made public. Currently, requests for advisory opinions under the DMRS code of ethics may be kept confidential, and the Administrator may also keep confidential the names of any persons mentioned in an opinion issued by the Administrator.

To the extent that collective bargaining agreements between the state and its represented employees contain provisions relating to investigation procedures, the new procedures established under this motion would not apply, except to the extent provided in those agreements.

The above procedures would a prohibited subject of bargaining under s. 111.91(2).

Motion #1065

Carryover from DER  
Considered on 5/7

MO# 1065

A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W
BURKE	DECKER	GEORGE	JAUCH	WINEKE	SHIBILSKI	COWLES	PANZER	JENSEN	OURADA	HARSDORF	ALBERS	GARD	KAUFERT	LINTON	COGGS				

AYE 15 NO 1 ABS

friendly from  
Wineke to strike 4-6

WRAP-UP MOTION AND ADOPTION OF THE SUBSTITUTE AMENDMENT

Motion:

Move to adopt a substitute amendment incorporating all the Committee's changes to Senate Bill 77. Direct the Legislative Fiscal Bureau to have the substitute drafted. Provide that the Legislative Fiscal Bureau may, in the process of having the substitute drafted, incorporate any necessary technical corrections in funding, statutory language or cross references required to reconcile the various actions of the Committee and correctly reflect the Committee's intent.

Further, move to recommend the bill for passage as amended.

MO#		
BURKE <sup>2</sup>	<input checked="" type="checkbox"/>	N A
DECKER	<input checked="" type="checkbox"/>	N A
GEORGE	<input checked="" type="checkbox"/>	N A
JAUCH	<input checked="" type="checkbox"/>	N A
WINEKE	<input checked="" type="checkbox"/>	N A
SHIBILSKI	<input checked="" type="checkbox"/>	N A
COWLES	<input checked="" type="checkbox"/>	N A
PANZER	<input checked="" type="checkbox"/>	N A
<u>JENSEN</u>	<input checked="" type="checkbox"/>	N A
OURADA	<input checked="" type="checkbox"/>	N A
HARSDORF	<input checked="" type="checkbox"/>	N A
ALBERS	<input checked="" type="checkbox"/>	N A
GARD	<input checked="" type="checkbox"/>	N A
KAUFERT	<input checked="" type="checkbox"/>	N A
LINTON	<input checked="" type="checkbox"/>	N A
COGGS	<input checked="" type="checkbox"/>	N A
AYE <sup>10</sup>	NO <sup>6</sup>	ABS

cd.

ASSEMBLY BILL 100

Motion:

Move introduction and adoption of LRBs 0230/1 as a substitute amendment to AB 100.  
In addition, move that AB 100 be recommended for passage as amended.

*friendly amendment  
to split intro/adoption*

MO# 6091 (intro)

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A
JENSEN	Y	N	A
2 OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
PORTER	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

AYE 15 NO 1 ABS 0

MO# 6091 (passage)

BURKE	Y	N	A
DECKER	Y	N	A
GEORGE	Y	N	A
JAUCH	Y	N	A
WINEKE	Y	N	A
SHIBILSKI	Y	N	A
COWLES	Y	N	A
PANZER	Y	N	A
JENSEN	Y	N	A
2 OURADA	Y	N	A
HARSDORF	Y	N	A
ALBERS	Y	N	A
PORTER	Y	N	A
KAUFERT	Y	N	A
LINTON	Y	N	A
COGGS	Y	N	A

AYE 10 NO 6 ABS 0

Representative Jensen  
Senator Burke

ASSEMBLY BILL 100

Motion:

Move introduction and adoption of LRBs 0230/1 as a substitute amendment to AB 100.  
In addition, move that AB 100 be recommended for passage as amended.

## NATURAL RESOURCES

### Nonpoint Source Water Quality Standards

#### Motion:

Move that any nonpoint source water quality standards, prohibitions and specified practices related to livestock facilities promulgated by a local unit of government prior to the effective date of any state nonpoint water quality standards be allowed to remain in force.

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#### Note:

Under ASA 1 to AB 100, local units of government would be required to demonstrate to DNR and DATCP that more stringent standards, prohibitions, conservation and technical practice standards are necessary to achieve the state nonpoint water quality standards before the local unit of government could exceed any state nonpoint water quality standard related to livestock facilities. The motion would allow local units of government to exceed state nonpoint source water quality standards, prohibitions, or conservation or technical practice standards without DNR and DATCP's approval, if the local standard is enacted prior to the effective date of the nonpoint water quality standards that are to be promulgated by DNR and DATCP.

Under the motion, as under ASA 1 to AB 100, any livestock facility would be allowed to continue to operate regardless of any local ordinance if the facility is: (a) required to apply for a Wisconsin Pollution Discharge Elimination System (WPDES) permit or is subject to DNR's NR 243 process (a point source of water pollution); and (b) a lawful use or a legal nonconforming use on the effective date of the bill.

[Change to ASA 1 to AB 100: None]

## ADMINISTRATION

### Literacy Program and Contract with Public Enrichment Foundation

#### Motion:

Move to delete \$100,000 GPR in 1998-99 and an annual appropriation created under DOA in order to provide funding to the Public Enrichment Foundation (PEF) for the purpose of distributing free books to educational and social service organizations in the state. Delete a gifts and grants appropriation created to receive donations for the literacy program and all DOA and Governor's Office requirements related to PEF.

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#### Note:

Under the JFC version of the bill, \$100,000 GPR would be placed in unallotted reserve for release by DOA and a gifts and grants appropriation would be created under DOA for donations collected for literacy programs. DOA, in cooperation with the literacy program administered by the Governor's Office, would be required to contract with the Public Enrichment Foundation (PEF) to provide free books to educational and social service organizations in the state of Wisconsin. The Governor's Office literacy program staff would be required to take requests from organizations for free books and forward them to PEF.

DOA, in cooperation with the literacy program in the Governor's Office, would be required to seek additional resources from foundations and private donors to support literacy programs. DOA and the literacy program would be required to report to the Secretary of DOA on, or after, December 1, 1997 regarding their success in obtaining additional funding through private donations. If the Secretary would determine that fundraising efforts have been sufficient, he could release the funding from unallotted reserve.

The Public Enrichment Foundation, located in Kingsford, Michigan, is a nonprofit organization established in 1987. According to information provided by the PEF Executive Director, the mission of PEF is to help increase the academic achievements and reading skills of children and needy adults, and to enrich the lives of those less-fortunate with free reading and educational materials.

PEF secures new book donations from publishers and manufacturers and then distributes the books from its central distribution warehouse to educational and social service institutions such as school districts, Head Start agencies, nonprofit organizations, hospitals, senior citizen homes and foster parent associations. PEF has received donations from publishers such as the National Geographic Society, Readers Digest, McGraw-Hill and the Detroit Free Press.

This motion would delete all state of Wisconsin funding and requirements related to the PEF.

[Change to Bill: -\$100,000 GPR]

COMPENSATION RESERVES

Increase in GPR Reserves

Motion:

Move to increase the GPR funding set aside for compensation reserves in the general fund condition statement by \$9,990,000 GPR in 1997-98 and \$20,010,000 GPR in 1998-99.

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Note:

Under AB 100, a total of \$96,038,600 GPR (\$32,307,900 GPR in 1997-98 and \$63,730,700 GPR in 1998-99) was included in compensation reserves. Previous action by the Committee increased these reserves by \$2,607,700 GPR annually to reflect the transfer of monies from a program supplements appropriation to compensation reserves. The \$2,607,700 GPR annually was included in the Governor's budget for supplementation of agency budgets for prior year (calendar year 1997) increases in the employer's share of employee health insurance premiums.

[Change to Bill: \$30,000,000 GPR]

NATURAL RESOURCES

Municipal and County Recycling Grants

Motion:

Move to amend the substitute amendment as follows:

- a. Delete the December 31, 1999, sunset of the effective recycling program criteria, the duty of DNR to review and determine whether local recycling programs are effective, variances to the criteria and exceptions to the criteria.
- b. Delete the requirement that a responsible unit of government register a local recycling program with DNR as being an effective recycling program that manages solid wastes in compliance with the 1991, 1993 and 1995 landfilling and incineration bans and the state solid waste management hierarchy in order to be eligible for recycling grants in calendar year 2000.
- c. Delete the requirement that a responsible unit that has submitted a registration to DNR for the responsible unit's effective recycling program by October 1, 1999, would be eligible for a grant for calendar year 2000. Instead, require a responsible unit to meet current law effective recycling program criteria to qualify for a grant in 2000.

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Note:

The motion would retain the current requirement that responsible units of government have an effective recycling program in order to be eligible for municipal and county recycling grants administered by DNR and to landfill or incinerate certain "residual" materials (materials remaining after other like materials have been separated for recycling).

## NATURAL RESOURCES

### Nonpoint Source Water Quality Standards

#### Motion:

Move to allow local units of government to adopt an ordinance to exceed state nonpoint water quality standards, prohibitions, and specified practices related to livestock facilities as necessary to achieve water quality criteria.

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#### Note:

Under ASA 1 to AB 100, local units of government would be required to demonstrate to DNR and DATCP that more stringent standards, prohibitions, conservation and technical practice standards are necessary to achieve the state nonpoint water quality standards before the local unit of government could exceed any state nonpoint water quality standard related to livestock facilities. The motion would allow local units of government to exceed state nonpoint source water quality standards, prohibitions, or conservation or technical practice standards without DNR and DATCP's approval.

Under the motion, as under ASA 1 to AB 100, any livestock facility would be allowed to continue to operate regardless of any local ordinance if the facility is: (a) required to apply for a Wisconsin Pollution Discharge Elimination System (WPDES) permit or is subject to DNR's NR 243 process (a point source of water pollution); and (b) a lawful use or a legal nonconforming use on the effective date of the bill

[Change to ASA 1 to AB 100: None]

PUBLIC INSTRUCTION

General Equalization Aid -- Payment of \$75 Million in 1998-99

Motion:

Move to modify the delayed payment in 1999-2000 of \$100 million in equalization aids. Specify that \$75 million would be paid as equalization aids in 1998-99 and \$25 million would be paid on the fourth Monday in July of 1999. Specify that school districts would count the delayed \$25 million in equalization aids as a receipt for 1998-99. Specify that school district aid entitlements in 1998-99 would be calculated including the \$25 million, but that each of the quarterly aid payments to school districts would be reduced proportionately, with the remaining \$25 million paid in July.

[Change to JFC: \$75,000,000 GPR]